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P-3947-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SAM KRAUSZ

FOR: METHOD OF ADMINISTERING FIRST-AID  
IN A VEHICLE

SERIAL NO.: 10/085,899

FILED: MARCH 1, 2002

EXAMINER: PAUL R. DURAND

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

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TECHNOLOGY CENTER #3700

Sir:

This is in reply to the Office Action of 02/12/2004.

Please note of record that applicant does not have or cannot readily obtain an item of required information as recited in 37 C.F.R. 1.105(a)(i), (iii), (v), (vi), or (vii).

Applicant submits an item of required information as recited in 37 C.F.R. 1.105(a)(ii) and (1v).

Accompanying this reply is REVISED AMENDMENT PRACTICE providing instructions for amending claim 1.

Claim 1 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Logoed CD "The Medi CD Kit" (Non-Patent Literature) in view of Worrell et al. (US6,497,443). Reconsideration of this rejection for the reasons stated is respectfully requested.

It is acknowledged that the cited Non-Patent Literature "does not disclose...the placement of the Kit in a CD storage site in an automobile", it being the examiner's contention

that the disclosure of the CD storage unit in an automobile in the secondary reference of Worrell et al. makes up for the non-disclosure of the primary reference.

However, the fact that there is a disclosure of a CD storage unit in an automobile is not a disclosure that a purchased CD holder should be emptied, that a user would recognize that the space vacated by removal of the CD contents as purchased is of a size or extent that would serve as storage until necessary to use of appropriate first-aid treating items, and that the reconstituted CD holder should be taken on car trips in case of a first-aid emergency. Also when not used, the reconstituted CD holder is not intrusive by its appearance or location because it commingles with the CD holders with music content in the arm rest storage unit.

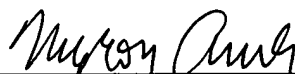
In the rejection made despite the absence of enabling disclosure, the rejection fails to apply the holding in *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998) and, more particularly, that on the issue of anticipation all limitations of a claim must be considered, i.e., the reference to the proposition "the name of the game is the claim," which appears on the cited page of *Hiniker*.

For the foregoing reasons, the rejection of claim 1, as amended, should be withdrawn.

Respectfully,

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